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February 3, 2004

Thomas Dorman
Executive Director
Public Service Commission
211 Sower Blvd.
PO Box 615
Frankfort, KY 40602-0615

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FEB 03 2004

PUBLIC SERVICE COMMISSION

RE: Petition and Complaint of Cumberland Valley Electric, Inc., Case No. 2004-00030

Hand Delivered

Dear Mr. Dorman:

Enclosed are the original and ten copies of the Notice of Withdrawal of Petition and Complaint as Settled of Cumberland Valley Electric to be filed in the above stated Action. I have this day mailed a copy of the Notice of Withdrawal by first class mail to J. Gregory Cornett, Esq., C. Kent Hatfield, Esq and Mr. Robert Terrell. Please call if you have any questions. Thank you.

Sincerely,



Anthony G. Martin
Counsel for Cumberland Valley Electric

Cc: J. Gregory Cornett, Esq.
C. Kent Hatfield, Esq.
Mr. Robert Terrell

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
FEB 09 2004
PUBLIC SERVICE
COMMISSION

In the Matter of:

PETITION AND COMPLAINT OF)
CUMBERLAND VALLEY ELECTRIC)
CONCERNING SERVICE BY KENTUCKY) CASE NO. 2004-00030
UTILITIES, INC. IN CONTRAVENTION)
OF KRS278.016-018 and KRS278.020)

**NOTICE OF WITHDRAWAL OF PETITION
AND COMPLAINT AS SETTLED**

Comes now Cumberland Valley Electric, Inc. (CVE), by counsel, and for its Notice of Withdrawal of Petition and Complaint as Settled, states as follows.

On January 22, 2004, CVE, Kentucky Utilities Company (KU) and CTA Acoustics, Inc. (CTA) negotiated terms of agreement with respect to all issues raised in Case No. 2003-00226, Petition of CTA Acoustics, Inc. to Retain Kentucky Utilities Company as Power Supplier and for Expedited Treatment. The terms and conditions also resolve all issues related to the instant Petition and Complaint. On January 23, 2004, the Commission read the terms of agreement into the record of Case No. 2003-00226, and indicated that subject to the filing of a formal agreement the terms were conscionable and in the public interest and were acceptable to the Commission.

In light of the above , CVE hereby withdraws this Petition and Complaint as settled. Counsel for KU and CTA have reviewed this Notice and concur in it.

CVE respectfully requests that the Commission note in its records that the Petition and Complaint in this matter has been withdrawn as settled.

Respectfully submitted,



Anthony G. Martin
Counsel for Cumberland Valley Electric

Have read and concur:



J. Gregory Cornett
Counsel for Kentucky Utilities Company



C. Kent Hatfield
Counsel for CTA Acoustics, Inc.